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Elections to fill vacancies in subsidiary organs and other elections: election of 47 members of the Human Rights Council

Letter dated 26 April 2006 from the Permanent Representative of Guatemala to the United Nations addressed to the President of the General Assembly

I have the honour to write to you with reference to the candidacy of the Government of Guatemala for a seat on the Human Rights Council in the elections to be held on 9 May 2006.

Under the terms of General Assembly resolution 60/251, Member States, when electing members of the Human Rights Council, are to take into account the contribution of candidates to the promotion and protection of human rights and the commitments they have made thereto.

Accordingly, I am transmitting herewith a document whereby the Government of Guatemala presents its pledges and commitments with respect to the promotion and protection of human rights, in support of Guatemala's candidacy for membership of the Human Rights Council (see annex).

(*Signed*) Jorge **Skinner-Klée**
Ambassador
Permanent Representative

06-33303 (E) 030506 030506

Annex to the letter dated 26 April 2006 from the Permanent Representative of Guatemala to the United Nations addressed to the President of the General Assembly

Voluntary pledges and commitments made by Guatemala for the promotion and protection of human rights

The Government of Guatemala reiterates its desire to demonstrate its interest in and commitment to working unceasingly to ensure the full enjoyment of human rights for all, especially those who, owing to special circumstances, are considered to be particularly vulnerable and unprotected.

Article 1 of the Political Constitution of Guatemala provides that "The State of Guatemala shall take measures to protect the individual and the family, its supreme objective shall be to ensure the common good". This fundamental precept is complemented by the provisions of article 46, which establish the "pre-eminence of international law and the general principle that, in matters pertaining to human rights, the treaties and agreements accepted and ratified by Guatemala shall have pre-eminence over domestic law". Thus, Guatemala has an ineluctable commitment to promoting the full exercise of human rights within a stable, permanent and participatory institutional order, in which both the government and the governed act in strict accordance with the law.

This commitment was renewed and deepened with the signing of the peace agreements in late 1996, which put an end to four decades of internal armed conflict and established economic and social development, multiculturalism, the consolidation of democracy and full respect for human rights as the four cardinal points of Guatemala's nation-building endeavour.

In our view, we have a duty to share our experience with the international community, as a country that has emerged from conflict with the conviction that we must make every effort to avoid repeating that dark period of our history and to help all States that are still mired in conflict, are in the process of resolving conflicts or are in post-conflict situations.

It is essential to take into account the long road that Guatemala has travelled in order to appreciate the progress it has made with respect to human rights; the return of refugees and displaced persons; the meaning of democracy; the clarification of past crimes against humanity; the recognition of the identity and rights of indigenous peoples; compensation for victims of the conflict; efforts to combat racism; promotion of the rights of women, children, migrants and persons with disabilities; and the strengthening of civilian power and the role of the armed forces in peacetime. These efforts were duly reflected in Guatemala's participation in the Commission on Human Rights, and we pledge to sustain them in the future work of the Human Rights Council.

At the national level, Guatemala has an entire institutional framework devoted to the protection and monitoring of human rights, starting with the Political Constitution itself, which establishes the Office of the Human Rights Ombudsman as an autonomous, independent entity whose establishment and operation are in full conformity with the Paris Principles. This Office is headed by a Commissioner of

the Congress of the Republic, who oversees the protection of the population's rights in all spheres.

On the basis of the peace agreements, Guatemala has continued to build up and strengthen its national institutions and has established various committees for this purpose, including the Presidential Committee on Human Rights, which coordinates the executive branch's human rights policy; the Presidential Committee on Discrimination and Racism against Indigenous Peoples in Guatemala; the Peace Secretariat; the National Peace Fund, which provides soft loans for the purchase of land; the National Committee for Refugees and for Repatriated and Displaced Persons; and the Presidential Secretariat for Women, which on 8 March 2006 formed the Committee to Combat Femicide in order to provide the State of Guatemala with a strategy and proposals for action that will enable it to address the heinous crime of femicide in an integrated, coordinated and holistic manner through all three branches of government and with the involvement of civil society. Guatemala pledges that, if elected, it will continue to support and strengthen its institutions, inter alia by establishing any new ones that may be necessary.

In addition, Guatemala has undertaken a commitment, also based on the peace agreements, to safeguard the rights of indigenous peoples at both the national and international levels. At the national level, the authorities are implementing a Public Agenda for Indigenous Peoples drawn up under the coordination and leadership of Rigoberta Menchú Tum, the Nobel Peace Prize winner and goodwill ambassador for the peace agreements.

Guatemala has been a steadfast and active supporter of initiatives to promote the human rights of indigenous peoples in a number of international forums. At the Organization of American States, the ambassador serving as Guatemala's alternate representative chairs the working group responsible for preparing a draft American declaration on the rights of indigenous peoples. At the Commission on Human Rights, Guatemala contributed actively to the preparation of a United Nations declaration on the rights of indigenous peoples. Accordingly, Guatemala pledges that, if elected to the Human Rights Council, it will continue to support the advancement of indigenous peoples' rights and, in particular, will advocate the adoption of a United Nations declaration on the rights of indigenous peoples as soon as possible.

At the international level, Guatemala is a party to the principal regional and universal instruments on human rights. It cooperates closely with the treaty monitoring bodies and complies with its periodic reporting obligations. On occasion, such reports have been submitted late, and in this connection Guatemala pledges to increase its efforts to submit its reports by the established deadlines.

One of the legacies of the Commission on Human Rights is the array of legal instruments that have become a frame of reference for the promotion and protection of human rights. As a member of the Commission, Guatemala played an active role in the negotiation and adoption of many of these instruments. It pledges that, if elected to the Human Rights Council, it will continue to promote the strengthening of this important regulatory framework.

Also on the basis of the provisions of the peace agreements, Guatemala contributed, at the Commission on Human Rights, to the establishment of the Working Group on the draft international convention for the protection of all

persons against enforced disappearances and to the successful conclusion of the negotiations on the draft. Guatemala pledges to support the adoption of this text by the Council as soon as possible. It also pledges to continue to support the work being carried out with a view to the speedy adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

Guatemala attaches the highest importance to the system of special procedures established by the Commission on Human Rights. Thus, within the Commission, it promoted and supported the establishment of these mechanisms and the renewal of their mandates; extended them a standing invitation to visit the country; cooperated fully with them; and responded positively to all their requests, as well as to their urgent appeals. Guatemala pledges that, within the Human Rights Council, it will continue to cooperate with the system of special procedures and will seek to enhance its effectiveness.

In 2005, at the request of the Government of Guatemala, the Office of the United Nations High Commissioner for Human Rights (OHCHR) set up a country office in Guatemala to provide the authorities with technical assistance and cooperation for the development and implementation of policies and programmes to promote and protect human rights.

This request for the establishment of such an office is a clear sign of the State's firm commitment to working tirelessly to ensure that the whole population fully enjoys all human rights and fundamental freedoms.

The OHCHR presence in Guatemala is a guarantee that Guatemala will strive, at the national and international levels, to ensure that all human rights are fully enjoyed by all people.

Guatemala's active participation in the work of the Commission on Human Rights enabled it to acquire experience in comprehensively addressing human rights issues in different parts of the world. What is more, Guatemala was itself subject to the Commission's scrutiny until 1997 and hosted the United Nations Verification Mission in Guatemala until 2004. It therefore has special insight into the contributions that the international community can make to individual countries.

Guatemala is convinced of the importance of fostering coordination and cooperation among all the countries of the world to consolidate the system for the promotion and protection of human rights. It pledges to work within the Council to ensure, in an equitable, objective and non-selective manner, the exercise and observance of human, economic, social, cultural, civil and political rights, including the right to development.

It believes in building preventive capacity and in the need to develop a reliable database, untainted by political or personal interests, for the identification of situations that may lead to serious, systematic human rights violations in any part of the world.

Guatemala affirms the need to promote cooperation, develop mechanisms for dialogue and strengthen the participation of civil society, inter alia through non-governmental organizations.

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Letter dated 25 April 2006 from the Permanent Representative of Gabon to the United Nations addressed to the Secretary-General

I have the honour to inform you that Gabon has decided to present its candidacy for one of the 13 seats on the Human Rights Council allocated to Africa by resolution 60/251.

In accordance with that resolution, I will transmit to you at a later date an aide-memoire detailing Gabon's pledges in the area of human rights.

(*Signed*) Denis **Dangue Réwaka**
Ambassador
Permanent Representative

06-33290 (E) 020506 030506

Annex to the letter dated 25 April 2006 from the Permanent Representative of Gabon to the United Nations addressed to the Secretary-General

Sir,

Further to my letter dated 25 April 2006, I have the honour to transmit herewith the aide-memoire on the pledges of Gabon in the area of human rights.

(*Signed*) Denis **Dangue Réwaka**
Ambassador
Permanent Representative

Enclosure

Aide-memoire

Candidacy of Gabon for a seat on the Human Rights Council

The promotion and protection of human rights are core principles and values of the Gabonese Republic.

Guided by the values of peace, dialogue, respect for others and solidarity, Gabon has consistently worked towards the strengthening of mechanisms for the promotion and protection of human rights and fundamental freedoms at the national, regional and international levels.

1. At the national level

The Gabonese Constitution guarantees respect for and protection of human rights and fundamental freedoms.

The following bodies have been established to ensure that the rights of citizens, including women, children and handicapped persons, are respected:

- Ministry of Human Rights;
- Ministry of the Advancement of Women and Child Protection;
- Ministry of Social Affairs, National Solidarity and Poverty Alleviation;
- National Human Rights Commission;
- National Observatory on the Rights of the Child;
- National Observatory for Women's Rights and Equality.

In close cooperation with a number of countries and international organizations, Gabon has been consistently working to strengthen its national human rights promotion and protection system.

2. At the regional level

Gabon played a key role in the establishment of the African Commission on Human Rights, which it had the honour of chairing.

Gabon has always offered its good offices in efforts to find solutions to the many conflicts plaguing Africa, which often cause political instability that could result in serious human rights violations.

3. At the international level

Gabon, which has been a Member of the United Nations since it became independent in 1960, is genuinely committed to promoting the goals and principles enshrined in the Charter of the United Nations and to the Universal Declaration of Human Rights and other international human rights instruments.

Accordingly, Gabon has signed, ratified or acceded to the following major legal instruments:

- African Charter of Human and People's Rights;
- Convention for the Prevention and Punishment of the Crime of Genocide;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- International Covenant on Economic, Social and Cultural Rights;
- International Covenant on Civil and Political Rights;
- International Convention on the Elimination and Punishment of the Crime of Apartheid;
- Convention on the Elimination of All Forms of Discrimination against Women;
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;
- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment;
- Convention on the Rights of the Child;
- Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

Gabon also contributes to the strengthening of international law through the International Law Commission; indeed, one of its eminent citizens is currently a member of the Commission.

4. Gabon's pledge to the Human Rights Council

Gabon pledges to cooperate fully with the Human Rights Council in all the areas that, in accordance with General Assembly resolution 60/251, fall under the Council's purview.

In that regard, it pledges to engage in all the work of the Human Rights Council with a view to promoting and strengthening human rights protection mechanisms.

Gabon makes this pledge in the firm belief that this new body will serve as a democratic forum where Member States can, on the basis of mutual respect, undertake dialogue and consultations with a view to finding solutions to human rights issues.

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Note verbale dated 13 April 2006 from the Permanent Mission of Senegal to the United Nations addressed to the Secretariat

The Permanent Mission of Senegal to the United Nations presents its compliments to the United Nations Secretariat and has the honour to inform it that Senegal has decided to put forward its candidacy for membership in the Human Rights Council, elections for which will be held at United Nations Headquarters on 9 May 2006.

The Permanent Mission of Senegal would be grateful if the United Nations Secretariat would register its candidacy and bring it to the attention of Member States. The aide-memoire on the contribution and pledges of the Government of Senegal in the field of human rights will be submitted shortly (see annex).

06-33297 (E) 030506 030506

Annex to the note verbale dated 13 April 2006 from the Permanent Mission of Senegal to the United Nations addressed to the Secretariat

The Permanent Mission of Senegal to the United Nations presents its compliments to the United Nations Secretariat and, in addition to its note verbale of 13 April 2006 regarding the candidacy of Senegal for membership in the Human Rights Council and pursuant to General Assembly resolution 60/251, has the honour to attach herewith the aide-memoire on the contribution and pledges of the Government of Senegal in the field of human rights.

The Permanent Mission of Senegal would be grateful if the Secretariat of the United Nations would transmit this document to the States Members of the United Nations.

Enclosure

[Original: English and French]

Aide-memoire on the contribution and pledges of the Government of Senegal in the field of human rights

In conformity with resolution 60/251

Senegal has decided to submit its candidacy for membership in the new Human Rights Council whose members shall be elected on 9 May 2006 at the sixtieth session of the United Nations General Assembly.

In the build-up to these elections, the Government of Senegal herein wishes to highlight some of the major contributions it has made with success on the promotion and protection of human rights.

Since independence, Senegal pursues vigorous efforts to build and maintain the rule of law in a legitimate State that exercises due observances of the separation of powers, respect for the Constitution and the inalienable rights it embodies, and strong democratic traditions and stable public institutions.

Senegal is committed to the universal values of democracy, peace and sustainable development.

Human rights are central to the Constitution and institutions in Senegal, the only African country to be a member of the Commission on Human Rights for 26 straight years, and again from 1998 to 2003, Senegal served as the Commission's Chair on three occasions in 1968, 1978 and 1988, an eloquent testimony of the confidence the international community has continually entrusted in Senegal in this regard.

- This period, a decisive one in the history of the Commission on Human Rights, saw the defining of human rights standards and setting up of special procedures for monitoring implementation of these rights (Working groups, Independent Experts or Special Representatives).

- Senegal played a pivotal role in codifying the norms of international law, especially on human rights and international humanitarian law, participating actively to design, among other instruments, the African Charter on Human and Peoples' Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, as well as contributing to the progressive affirmation of the right to development.

- The rights and freedoms of the human person are embedded in Senegal's legal arsenal. Individual persons and groups of individuals have a diverse range of reliable grounds for appeal to draw on and protect these rights and freedoms as well as their own legal prerogatives.

- The inviolate respect of the human person is affirmed in the Constitution of Senegal. Article 7 stipulates that "the human person is a sacred and inviolable legal entity, and the State has an obligation to defend and protect this inviolability".

- The members of Senegal's Constituent Assembly, considering the preamble to the Constitution as an integral part of this, attempted to confer constitutional impetus to the international provisions on human rights to which reference is made in this preamble, inter alia, the Universal Declaration of Human Rights of 10 December 1948, the Convention on the Elimination of All Forms of Discrimination against Women of 18 December 1979, the Convention on the Rights of the Child of 20 November 1989, and the African Charter on Human and Peoples' Rights adopted in June 1981.

- Senegal has embarked on a renewal of the Penal Code, the Code of Penal Procedure and the Code of Military Justice, with a view to implementing international human rights provisions to improve the administration of justice and the fight against impunity.

- Senegal also has:

  - Abolished the death penalty with Law No. 2004-38 of 10 December 2004 after several decades of de facto prohibition.

  - Adopted Law No. 2005-06 of 10 May 2005 to prevent and punish slave trade and related practices and protect the victims of slave trade.

  - Appointed, by decree No. 2004-657 of 2 June 2004, a High Commissioner for Human Rights and Peace Building with the rank of Minister.

  - Instituted by decree No. 005691 of 6 July 2004, a National Advisory Council for Human Rights, composed of public servants from ministerial departments and representatives of non-governmental organizations specialized in human rights, international humanitarian law, and women's and children's rights. One of the cardinal missions of the Council is to enhance observance of human rights and the promotion of a culture of peace.

- Senegal was the first country in the world to ratify the Rome Statute of the International Criminal Court. It has since played an active role and given unbending support to this jurisdiction by advocating vigorously for African Member States to sign and ratify the Statute. Recently, Senegal donated 76,224 euros (50 million F CFA) to the Victims Trust Fund of the International Criminal Court.

- Senegal, thanks to the input of its experts, has been a key player in the promotion, reinforcement and codification of international law, not least, the protection and promotion of the rights and freedoms of the human person, as well as the right to development.

- Senegal boasts several awards from renowned international intergovernmental and private institutions, presented to the representatives of the Government of Senegal, and particularly the President of the Republic, His Excellency Abdoulaye Wade, for Senegal's active role in the promotion of human rights. Some of these awards include:

  - The ISESCO Diploma and Gold Medal for Peace, 2003

  - The Democracy, Human Rights and Diaspora Award

- The International League for Human Rights Award, September 2004
- The Harriman Democracy Award from NDI, Washington
- The Hiroshima Peace Stone Award for Africa, Tokyo 2003
- The Canne d'Or de la Paix Award from the Coalition of African Women Leaders, 2005
- The First Lomé African Peace Meeting Award from *lauriers d'or de la paix*
- The Médaille et Canne d'Or de la Paix from the Universal Council for Peace in East and Central Africa, 2002
- The WWF Donation to Nature Award, 2005
- The Gender Award from the African Committee of African Women Jurists, 2005
- The Medal of Acknowledgement Award from the African Women Jurist Federation
- The Felix Houphouët Boigny Peace Award, UNESCO, 16 May 2006

In the same vein, Senegal undertakes to:

- Maintain strict observance of the universal human rights conventions and protocols it has ratified so far, so as to consolidate the progress made.
- Ratify, in 2006, the few international human rights instruments it has yet to ratify, such as:
  - The Convention on Imprescriptibility of Crimes of War and against Humanity, signed in New York on 26 November 1968.
  - The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, already signed by Senegal in New York on 18 December 2002. The Cabinet meeting of 2 January 2006 adopted the bill of ratification and has sent it to Parliament for deliberation and enactment.
- Continue, as before, to welcome custodians of mandates for special human rights procedures or mechanisms by giving them the best conditions to accomplish their mission.
- Continue, as before, to welcome custodians of mandates for special human rights procedures or mechanisms by giving them the best conditions to accomplish their missions.
- Reaffirm its support to the United Nations High Commissioner for Human Rights and pay its annual dues and donations to the Office of the High Commissioner for Human Rights.
- Support the operational activities of the United Nations in the area of human rights.
- Respect deadlines for transmitting periodic reports on implementation of relevant provisions of international human rights instruments to treaty monitoring bodies.

- Contribute in elaborating all provisions on the operationalization of the new Human Rights Council.
- Subject itself to the universal periodic reviews of the Human Rights Council.
- Contribute in promoting dialogue and cooperation as the first means of reinforcing the observance of human rights as well as the protection of their universality and indivisibility.
- Pursue, with a view to reinforcing, active cooperation and consultation with non-governmental organizations at the national and international levels.
- Cooperate fully with the Human Rights Council with a view to making it more efficient in the promotion and protection of human rights.